

TOWN OF NEWSTEAD - PLANNING BOARD MINUTES

July 26, 2004

PRESENT: Tom Cowan, Chair
Mark Decker
Terry Janicz
John Potera
Andy Kelkenberg
Andrew Casolini, Town Engineer
Christine Falkowski, Planning Board Clerk

The Planning Board meeting was called to order by Tom Cowan at 7:30PM.

Public Hearing – (2) Lot Minor Subdivision Application – Swift Mills Road - Mattioli

Mattioli's did not appear. Neighbors Ann Chalmers of 12718 Swift Mills and Alvina Kumpf of 12702 Swift Mills were in attendance. They were concerned that this was perhaps a major subdivision with many new homes. They stated that the stream at the center lot is now a swamp. Mrs. Kumpf stated that her well water is bad, she had to dig another one, and she was surprised that two new homes had put in wells. Instead of trying to get easements for maintenance of the stream, it was suggested that the property be divided at the stream. Tom observed a 30" cross culvert with no water running through, even after a heavy rain. This item will be tabled until the Mattioli's can attend, and a color GIS map will be provided showing the stream. Wendel will do a memo of recommendations.

Preliminary Conference-Subdivision – Hunts Corners & Dye Roads – Schlabach/Kelkenberg

Andy Kelkenberg represented Charlie Kelkenberg as the applicant. Mrs. Schlabach owns a 13.5-acre parcel on this corner. Previously, she had split off an 8.15-acre parcel to Adam Stoldtman (south of her). She says that she had also received split approval for a second parcel to the north (leaving her house in the middle), although no proof can be found. Charlie Kelkenberg submitted an application for a four-lot subdivision of the 5.49-acre parcel to the north that is not yet separated. While that issue is being resolved, we will examine the 5.49-acre lot. Andrew Casolini stated this is a difficult application due to the wetlands located on the largest lot. Where will the house be placed? It must be 100' away from the Federal wetlands. Where will the septic be? Will there be well water or will the owner apply for hardship under the Lateral Restriction Policy? A very detailed drainage plan will be required showing that downstream properties will be not affected. This could very well be bumped to a major subdivision. Tom stated that Thursday mornings prior to Planning Board meetings will be used for meetings with an engineer from Wendel for issues like this. A color GIS map will be provided for this property, and the discussion will resume at the next meeting. Wendel will do a memo of recommendations.

There was a discussion about strip development, drainage problems, the new town-wide drainage district, how this is affecting the Building Department and how they are handling it. Andrew suggested we hold a meeting in September with an agenda of current issues pertaining to building as a means of communication.

Special Use Permits in R-A Zone

There are several "home-based" businesses in the R-A zone that are not permitted. Home occupations are allowed, but must be within the dwelling. Construction businesses, landscapers, greenhouses, etc. are commercial operations conducted outdoors. Do we allow in R-A zone or regulate through special use permit? This would protect the business and the Town from being sued by unhappy neighbors.

OLD BUSINESS

Minutes Review – Tom motioned to approve the minutes of June 21st, seconded by Terry and all approved.

Flaglots/Open Development Tom visited a flaglot in Clarence off of Winding Lane. It looks like a rural cul-de-sac. Clarence has had five applications for flaglots since 1999. Their minimum size for a one-story is 2,000 SF and two-story is 2,500 SF. Let's look at Clarence's ordinance again at the next meeting, and think about modeling ours after theirs.

Fence/Wall Ordinance Christine will prepare a memo with the suggested changes for recommendation to the Town Board.

Sign Ordinance The Town Board is addressing this item tonight.

Route 5 /Overlay Zone/Moratorium on Used Auto Dealers/Design Criteria Christine e-mailed Drew Reilly on July 20th asking him if the Planning Board should be writing the language for used motor vehicle sales. The Planning, Zoning and Town Boards will be meeting on Monday, August 2nd at 8:30PM.

Next meeting: Monday, August 2, 2004 at 7:30PM.... followed by Route 5 Re-zoning Meeting at 8:30 PM

John motioned to adjourn the meeting at 9:30 PM, seconded by Terry and all approved.

Respectfully submitted, Christine Falkowski, Recording Secretary